



Summary of CWD Statewide Surveillance



This table shows available CWD test results for each of DNR's three zones statewide.

If you click on a zone, you can see the breakdown for individual hunting periods. Click on the Help button for a glossary.

Note that the DNR data reported here only includes wild deer. For information on test results for Game Farm deer and elk, please contact the Wisconsin Department of Agriculture, Trade, and Consumer Protection (phone: 608-224-4872, fax: 608-224-4871).

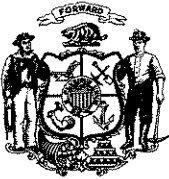
Understanding this week's CWD testing report: This week's report includes a large number of samples from the CWD Eradication Zone. Approximately 9,000 deer from the Eradication Zone were sampled, and these were given a lower priority for testing compared to the CWD Management Zone and Out-State samples. This is the first large batch (approx. 1,000) of Eradication Zone fall test results. Consequently, the number of new positives may be surprising. In reality, it was expected that more diseased animals would be found in this area as testing continues. Even with this number of new positives, the infection rate remains at a relatively constant 1.7% for the eradication zone.

DNR Zone	# Sampled	# Analyzed	Positive for CWD	% Positive
Intensive Harvest / Eradication Zone	12238	4434	74	1.67%
Management Zone	6031	5756	6	.1%
Remainder of Wisconsin	21764	20670	0	
Zone Not Identified	2	1	0	
Total Sampled Statewide	40035			
Total Analyzed Statewide		30861		
Total Positive Statewide			80	

Records 1 to 4

Download

*Information from Internet
on March 24th 03*



REPRESENTATIVE GARY E. SHERMAN
74th Assembly District

State Capitol
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Madison, WI 53708
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Fax: (608) 282-3674
E-mail: rep.sherman@legis.state.wi.us

District Address:
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P.O. Box 157
Port Wing, WI 54865
715-774-3691

25 March 2003

Sen. Joseph Leibham
Senate Co-Chair
Joint Committee for Review of
Administrative Rules
Room 409 South
State Capitol

Dear Joe:

Back in November when this Committee last addressed the emergency rule banning the baiting and feeding of deer, I offered some of my own personal history and experience with the issue and urged the Committee to amend the rule so that the ban was limited to the southern half of the state where all of the CWD cases had actually been found.

Since that time, nothing has occurred which would cause me to alter this position. Something has occurred, however, which reinforces my conviction -- the DNR has had the opportunity to test thousands of samples obtained during the Fall 2002 deer harvest from all over the state. Not one single case of CWD in wild deer was found anywhere near the northern half of Wisconsin.

No matter what means of transmission of the disease is ultimately discovered by future scientific investigation, one finding is inevitable: A deer cannot pass a disease to another deer, by nose to nose contact or otherwise, unless that deer has the disease to begin with.

Even if you continue to resist amending the rule in the southern part of the state, it is clear that there is no scientific justification whatsoever for leaving this harsh and inflexible rule in place north of Highway 29. I urge you, for the sake of the thousands of Wisconsin hunters, business owners, wildlife enthusiasts, and the health of the deer herd itself, to either repeal or amend the emergency rule to reflect the reality of the situation, and not continue to support some unsubstantiated myth about the cause of CWD in our state.

Very truly yours,

Gary E. Sherman

encl: previous comments presented to
the Committee in November, 2002

Members of the Joint Committee for Review of Administrative Rules:

You have received a letter from one of my constituents, Patricia Rantala. I would like to take this opportunity to support the message that she is trying to deliver and to state that the point of view which she expresses represents that of a great number of my constituents in the North.

I moved to this area in 1973. At that time, winter feeding of deer was very rare, largely because of the hostility of the DNR to the practice. Every winter, the deer would "yard up" in large herds in places like the Flag River Deer Yard. In bad winters, they would starve in the hundreds, unable to forage for food in the snow. These unhealthy conditions would have been ripe for the rapid spread of an opportunistic disease. One winter, the starvation was so extreme that even the DNR recognized the need for human intervention and dropped feed from airplanes, reversing years of claims that such feeding would exacerbate the problem, rather than help.

Once that occurred, the doors were open. The public would no longer accept the leadership of those whose actions did not reflect their own claims and people began feeding in ever greater numbers. As a result, the habits of the deer herd in this area were altered. While deer do gather in small groups in those places where feeding takes place, they no longer gather in the enormous herds in the deer yards, despite the fact that the deer population is much greater than it was at that time.

So, demonstrably, the net effect of feeding has been less congregation of deer, not more. Banning feeding will not halt the congregation of deer in this area; it will promote it.

I attended all of the legislative hearings in the days preceding the special session at which DNR received authority to regulate feeding and baiting. I feel that the testimony given at that time does not reflect the actions of the DNR since. Those who testified on behalf of DNR asked to have the authority to make careful decisions about feeding and baiting, based upon scientific evidence and tailored to local situations. As Patty says, a scalpel and not a meat axe.

What we got was a meat axe. The blanket ban in all areas of the state is without scientific basis of any kind and totally ignores the differences in local conditions between different areas of the state. The North is not corn country. In this area, people live differently, hunt differently and deal with a different natural environment than people do in Mount Horeb. Hunters don't shoot from stands over corn fields. They stalk deer in deep, brushy woods. To make matters even more complicated, recent changes in land ownership patterns have rendered traditional hunting methods obsolete. The deer herd and the local hunters need, deserve and demand different treatment from those in Mount Horeb.

Other aspects of deer management are developed by deer management unit. I have seen people successfully prosecuted in our courts for doing something in the wrong deer management unit, divided only by a local road from the unit where they would have been legal. There is no reason in the world why the DNR rule on baiting and feeding could not be different in different deer management units.

I ask you to insist that the DNR stop disregarding the welfare of the citizens and wildlife in this area and send DNR back to redraft the rule in a way that takes into account local conditions and addresses the issues of wildlife health in a rational and scientifically defensible manner, not simply long-standing institutional bias. If that is not done, not only will feed mills go out of business all over the North, but the resultant loss of hunting pressure will inevitably result in the deer herd becoming unhealthy in ways that far outweigh any risk from feeding.

Rep. Gary E. Sherman
74th Assembly District
November, 2002



MAR 25 2003

State Representative Frank Boyle

73rd Assembly District

March 24, 2003

Senator Joseph Leibham, Co-Chair
Room 409-South, State Capitol

Dear Senator Leibham,

I am writing to respectfully request that the Joint Committee for Review of Administrative Rules revoke the Department of Natural Resource's ability to promulgate rules regarding the ban on baiting and feeding.

In traveling my district and talking to both game wardens and hunters, this ban is a source of great frustration. As I am sure you are aware, there have been no cases of Chronic Wasting Disease found in Northern Wisconsin. For many hunters, particularly bow hunters, baiting is an essential part of the hunting process. The Northern Wisconsin winters are becoming milder and are failing to kill a substantial number of the deer herd, causing a massive overpopulation.

The legislature and the DNR must do everything we can to encourage Northern Wisconsin hunters. Hunting is an important part of keeping the Wisconsin deer herd healthy and the deer-hunting season is an integral part of keeping the northern Wisconsin economy strong. With no sign of CWD in the northernmost counties, it is unfair to mandate statewide regulations.

Please consider voting no to the extension of DNR authority to make these rules. Thank you for your time and please don't hesitate to contact me.

Sincerely,

FRANK BOYLE
State Representative
73rd Assembly District

Wisconsin DNR Finds 16 More Deer With CWD

POSTED: 2:08 p.m. EST March 21, 2003

MADISON, Wis. -- The Wisconsin Department of Natural Resources said it's found 16 more deer with chronic wasting disease.

It said all were killed in the Mount Horeb area where the state wants to try to eradicate the disease from the herd.

That is the largest weekly increase in the number of deer found with the disease that the DNR has reported as it has been trying to pinpoint how widespread the disease is in the herd.

The findings bring the number of deer found with chronic wasting disease to 80, and they continue to show that about 2 percent of the deer in the Mount Horeb area are inflicted with the incurable disease.

The disease was discovered near Mount Horeb in February 2002.

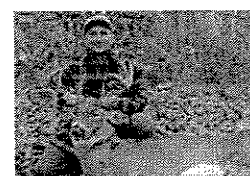
Laboratory experts analyzed during the last week another 2,574 samples of deer brains submitted by hunters.

The department said that 43 of the diseased deer found so far were in Dane County, 35 in Iowa County, one in Richland County and one in Sauk County.

It said eight of the new cases were found in Dane County and eight in Iowa County.

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CHRONIC WASTING DISEASE



VIDEO

DNR Greg Matthews Interview

UW Panel: State on Right Track

Opposition going into active-resistance mode

"It's like CWD fever ..."

DNR: "Very, very serious"

RESOURCES

[See Interactive CWD Maps](#)

[CWD testing results online](#)

DISCUSSION

[Are you worried?](#)

SENATOR JOSEPH LEIBHAM
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 28, 2003

Scott Hassett, Secretary
Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Dear Secretary Hassett:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 27, 2003 and adopted the following motion:

Emergency Rule NR 10 and 15 Rules relating to the Control and Management of Chronic Wasting Disease.
Moved by Representative Scott Gunderson, seconded by Senator Welch that, the Joint Committee for Review of Administrative Rules (JCRAR) requests that Department of Natural Resources (DNR):

1. Extend, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 for a period of 14 days through April 10, 2003.
2. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
 - a. A person, north of state highway 10, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
 - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than two gallons of feed within 100 yards of a residence owned or leased by that person, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried 10 Ayes, 0 Noes.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Senator Joseph Leibham
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

JKL:GSG:pvs



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 28, 2003

The Honorable Alan Lasee
Senate President
State Capitol Building, Room 220 South
Madison, WI 53702

The Honorable John Gard
Assembly Speaker
State Capitol Building, Room 211 West
Madison, WI 53702

Dear President Lasee and Speaker Gard:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 27, 2003 and adopted the following motions:

Emergency Rule DOC 316 **Relating to Medical, Dental and Nursing Co-payment Charge.**
Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends DOC 316 at the request of the Department of Corrections by 60 days.
Motion Carried 10 Ayes, 0 Noes.

Emergency Rule HFS 109 **Relating to SeniorCare.**
Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends HFS 109 at the request of the Department of Health and Family Services by 60 days.
Motion Carried 10 Ayes, 0 Noes.

Emergency Rule NR 10 and 15 **Rules relating to the Control and Management of Chronic Wasting Disease.**
Moved by Representative Scott Gunderson, seconded by Senator Welch that, the Joint Committee for Review of Administrative Rules (JCRAR) requests that Department of Natural Resources (DNR):

1. Extend, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 for a period of 14 days through April 10, 2003.
2. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
 - a. A person, north of state highway 10, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
 - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than two gallons of feed within 100 yards of a residence owned or leased by that person, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried 10 Ayes, 0 Noes.

Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to this emergency rule.

Sincerely,

Handwritten signature of Joseph K. Leibham in black ink.

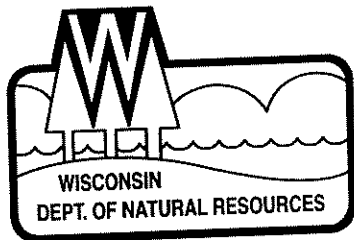
Senator Joseph K. Leibham
Senate Co-Chair

Handwritten signature of Glenn Grothman in black ink.

Representative Glenn Grothman
Assembly Co-Chair

JKL:GSG:pv

cc: Secretary of State Doug LaFollette
Revisor of Statutes Gary Poulson



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

APR 07 2003

April 3, 2003

Honorable Glenn Grothman, Chair
Joint Committee for Review of Administrative Rules
Room 15 North
State Capitol

Honorable Joe Liebham, Chair
Joint Committee for Review of Administrative Rules
Room 409 South
State Capitol

Re: Natural Resources Board Emergency Orders No. WM-32-02(E) and WM-15-03(E)
Chronic wasting disease (CWD) control efforts

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Orders No. WM-32-02(E) and WM-15-03(E). The emergency orders were recently extended until April 10, 2003. The Department requests that these emergency orders be extended until April 25, 2003.

The Department is requesting this extension to allow the Natural Resources Board to consider the modifications requested by the Joint Committee with citizen input and involvement. The Natural Resources Board has already scheduled an entire day for testimony on CWD control efforts at their regular meeting on April 23, 2003 when they will act on the follow-up rule to these emergency orders. If the Natural Resources Board has to act before April 10, they will have to do so by conference call which is not conducive to public participation. The Department is concerned that interested citizens would view the conference call to consider this issue as the Natural Resources Board undercutting the previously scheduled citizen participation. Extending the emergency rule until April 25 allows the Joint Committee time to respond to the Board's action on April 23 based on the public testimony.

The Department asks that you act on this request at the April 9, 2003 scheduled meeting of the Joint Committee for Review of Administrative Rules. If you have any questions, please contact Tim Andryk of the Bureau of Legal Services at 264-9228 or Paul Heinen at 266-2120. Thank you for your consideration of this request.

Sincerely,

Scott Hassett
Secretary

Cc: Presiding Officers
Kurt Thiede – WM/4

JCRAR Members
Tim Andryk – LS/5

Natural Resources Board
Carol Turner – LS/5

APR 08 2003

April 6, 2003

4496 Hwy 133 East
Boscobel, WI 53805

Senator Joseph K. Leibham
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Leibham:

Thank you for your April 2 letter in reponse to my concerns about the emergency CWD rules. I believe the current rules should be extended until the permanent rules are established in the Wisconsin Administrative Code.

I understand that the Natural Resources Board will meet later this month to consider the rules that went to public hearing in March. I support both rule orders (WM-09-03 and WM-05-03) although I have some preferences for the type of deer seasons that would be used in the eradication and managment zones.

I will be writing to the Natural Resources Board with my comments and hope the Legislative review can be completed before the opening of fall hunting seasons.

I reside in the CWD managment zone in Grant County (deer unit 73E) where I hunt deer and also have property in Crawford County (Unit 71).

Thank you for the opportunity to comment on this issue and your timely response.

Sincerely,



Paul F. Brandt

AL HOFACKER
P.O. Box 85
ATHELSTANE, WI 54104
715-856-5387

APR 6 8 2003

April 7, 2003

Sen. Joseph Leibham
Room 409 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Sen. Liebham,

I am writing to express my disappointment regarding the decision by the JCRAR on March 27 to reject the DNR's request to extend until Sept. 1 the emergency rule relating to CWD control measures, which includes the statewide ban on deer feeding and baiting. Please allow me to express a few of the reasons why I am disappointed that the JCRAR issued the ultimatum to the DNR to either permit deer baiting and feeding, with some restrictions, or lose the authority to implement any of the measures in the emergency rule designed to control and/or eradicate CWD.

Since the most controversial aspect of the emergency rule is the feeding and baiting prohibition, I will focus my comments on that provision of the emergency rule. Apparently, you and your colleagues on the JCRAR do not believe there is presently sufficient scientific evidence linking feeding and baiting to either the spread of CWD or increased infection rates among deer where CWD exists. While I would agree that feeding baiting does not cause CWD, the current science clearly indicates that artificial feeding and baiting contributes to the spread of CWD and increased prevalence of the disease in infected deer herds. One only needs to examine where infection rates have been

documented to be highest: up to 90 percent among deer living in fenced enclosures where they are artificially fed; up to 20 percent infection rates in free-ranging deer herds where feeding and/or baiting is permitted.

To deny that deer feeding and baiting is an unnecessary control measure in our battle against CWD is to suggest there is some sort of organized international conspiracy to prohibit feeding and baiting. In both the United States and Canada, wildlife professionals (biologists, managers, veterinarians, ecologists) employed by federal agencies, state and provincial agencies and universities have recommended that prohibiting deer feeding and baiting is an appropriate measure to implement to aid in controlling wildlife diseases such as CWD. If there is no science to support this prohibition, why do so many wildlife professionals want to eliminate the practice of feeding and baiting? What is their motive or what do they have to gain?

I also want to pass along a few comments about the assertion by many of the proponents of deer feeding and baiting that banning these practices would have a negative economic impact in Wisconsin. I agree that a statewide feeding and baiting ban would have a negative economic impact on businesses that sell the deer feed. But let me pose a question: what has been the statewide economic impact of the 2002-2003 baiting and feeding ban? I believe it to be nearly zero. We need to consider what people did with the money they did not spend on their baiting and feeding activities since the current ban went into effect in July of 2002. Did they put this money in a coffee can and bury it in the backyard, flush it down the toilet, or perhaps stuff it under their mattress. I very much doubt it. Most likely the money not spent for baiting and feeding was spent on something else. Perhaps a new bow, gun or hunting accessories were purchased. Or, maybe the money was spent on leisure-time activities totally unrelated to deer or deer hunting. It's not really important to determine how people spent the money they saved by not being able to bait or artificially feed deer. The important point here is that the money was spent, thereby reducing or eliminating the perceived negative economic impact of the baiting and feeding ban.

There are several other reasons why I favor a statewide deer feeding and baiting ban, but I want express one more reason I was disappointed by the JCRAR's ultimatum issued at the March 27 meeting. As you know, the process of developing permanent administrative rules relating to CWD control measures is underway. I have been participating in this process. I have carefully reviewed the DNR's "Environmental Impact Statement on Rules to Eradicate Chronic Wasting Disease in Wisconsin's Free-Ranging White-tailed Deer Herd" and then submitted written comments regarding the EIS and the proposed rules. I also

attended and testified at two of the 17 public hearings on the EIS in mid-March. Apparently, I was expressing my views to the wrong people in the wrong forums. Before the testimonies given at the 17 public hearings were analyzed and four days prior to the end of the acceptance of written comments on the EIS, the JCRAR decided to short-circuit the process by issuing their ultimatum that if a statewide deer feeding and baiting ban were to be pursued, the entire emergency rule would be tossed out, essentially terminating any and all efforts to either eradicate CWD or attempt to control the spread of this insidious disease in Wisconsin.

I don't know how the DNR will respond to the JCRAR's ultimatum when the committee meets on April 9, but I do hope that you and other members of the JCRAR will reconsider your actions and at least extend the current emergency rule until Sept. 1. That would allow the process of developing permanent rules to proceed in an orderly fashion and allow all current CWD control measures to continue.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Al Hofacker', written in a cursive style.

Al Hofacker

CONSTITUENT CONTACT FORM

Date: 4/8, 2003

Name:

JEREMY SCHEEL

Address:

LAX

Phone:

e-mail:

Summary of Concern:

- SUPPORT THE BAN ON
BATTERS

Action by Office:

Further action required by Office:

TO: The Joint Committee for Review of Administrative Rules

FROM: Edward Frank

RE: Continuing the Statewide Ban on Deer Feeding and Baiting

I am 70 years old. I have hunted and fished in WI ever since growing up on a dairy farm in Ozaukee County. Wisconsin's Wildlife Management Program has never been as threatened as it is now. Chronic Wasting Disease (CWD) in deer is the culprit. Deer hunting license sales have been the primary "cash cow" of the Wildlife Management Program in WI for at least the past 50 years.

Not only is this major hunting event in WI threatened by CWD, but it has the potential to negatively impact the sale of sporting goods and the tourism industry.

The DNR, using the best science available at the present time, is asking your committee to extend the statewide ban on whitetailed deer feeding and baiting. The Department is placing the long-term health of the deer herd FIRST.

As a deer hunter, I strongly support extending the statewide ban on deer feeding and baiting! Large scale baiting and feeding of deer in WI is a fairly recent thing (past 20 or so years). Deer hunters and observers will not be significantly deprived of their sport. They might even learn to get better at it. It is extremely short-sighted and self-serving on the part of deer hunters and deer feeders to ignore the science-based advice of the DNR in this matter.

I urge you to extend the statewide ban on whitetailed deer feeding and baiting for at least a few more years, until we know much more about CWD, its' distribution within the state and its' eradication (or spread?) from the currently infected area.

CWD Rule 4/9/03

DNR: Bill Smith, Dep Secretary

Tom Hauge

Tim Andryk

Management Zone: established by rule

Eradication Zone: established in current Emergency Rule

Public Hearing

Dave Sabrowski - Retired DNR Warden

Sue Ebbert

Mark Tuso, WI Deer Hunters Assn

- 911 wake-up call for deer?

- JCRAR actions illegal + blackmailed DNR

Patti Rantala

John + Samantha Gadden, Antigo

Greg Kazmerski, Wauseshan

- Look at permanent rule proposal

Todd Zneske

Jim Ruessell, Lodi: WI Wildlife Society

Jim Peterson, WI Assn of Meat Processors



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 9, 2003

The Honorable Alan Lasee
Senate President
State Capitol Building, Room 220 South
Madison, WI 53702

The Honorable John Gard
Assembly Speaker
State Capitol Building, Room 211 West
Madison, WI 53702

Dear President Lasee and Speaker Gard:
The Joint Committee for the Review of Administrative Rules met in Executive Session on April 9, 2003 and adopted the following motion:

1. Extends, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 except for sections 20, 21 and 37 until September 1, 2003.
2. Extends, pursuant to s. 227.24 (2) (a), Stats., sections 20, 21 and 37 of NR 10 and 15 until April 30, 2003.
3. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
 - a. A person, north of state highway 10, with the exception of Manitowoc County, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
 - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than two gallons of feed within 100 yards of a owner occupied residence, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried

10 Ayes, 0 Noes, 1 Absent

Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to this emergency rule.

Sincerely,

Senator Joseph Leibham
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

JKL:GSG:mjd



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 9, 2003

P. Scott Hassett, Secretary
Department of Natural Resources
101 South Webster Street
Madison, WI 53707-7921

Dear Secretary Hassett:

The Joint Committee for the Review of Administrative Rules met in Executive Session on April 9, 2003 and adopted the following motion:

1. Extends, pursuant to s. 227.24 (2) (a), Stats., the effective period of emergency rules NR 10 and 15 except for sections 20, 21 and 37 until September 1, 2003.
2. Extends, pursuant to s. 227.24 (2) (a), Stats., sections 20, 21 and 37 of NR 10 and 15 until April 30, 2003.
3. Requests that the Department of Natural Resources amend emergency rules NR 10 and 15 to provide for all of the following:
 - a. A person, north of state highway 10, with the exception of Manitowoc County, may not hunt with the aid of more than two gallons of bait within any 40-acre site.
 - b. A person, in order to draw deer or elk for viewing purposes on sites outside of the CWD management zone, may place no more than two gallons of feed within 100 yards of a owner occupied residence, except that feed may not be placed within 100 yards of any highway that is posted with a speed limit of at least 45 miles per hour.

Motion Carried

10 Ayes, 0 Noes, 1 Absent

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Joseph Leibham
JCRAR Co-Chair

Glenn Grothman
JCRAR Co-Chair

GG:JL/mjd

cc: Secretary of State Doug LaFollette
Revisor of Statutes Gary Poulson

DNR TESTIMONY TO JCRAR
CWD EMERGENCY RULE EXTENSION
APRIL 9, 2003

Good morning. Thank you for the opportunity to discuss the CWD emergency rule with you.

The Department's response to JCRAR's action on March 27, 2003 is explained in our April 3, 2003 letter to JCRAR. The Department is asking for roughly an additional 2 weeks, that the CWD emergency order be extended until April 25, 2003. This would allow the Natural Resources Board to act on the JCRAR request for a 2 gallon compromise on deer baiting and feeding at their next scheduled Board meeting on April 23, 2003, when they will act on the follow-up permanent rule to the CWD emergency rule. Although the permanent rule on deer feeding restrictions is only good for one year, since the Department's authority to regulate feeding of wildlife ends in June 2004, unless the legislature extends or eliminates the statutory sunset date.

The Department held 17 public hearings on the CWD permanent rule proposal, March 17 – 20, 2003. At these hearings attended by 1225 citizens, Department staff told the attendees that the Natural Resources Board was going to be acting on the CWD rule package, including deer baiting and feeding regulations at their meeting on April 23, 2003. Consequently, the Board has the entire day of April 23rd set aside for citizen testimony and action on the CWD rules, including deer baiting and feeding. They have already added to that agenda, Board action on JCRAR's requested modification to the emergency rule as well.

The Department and the Natural Resources Board are concerned that acting on JCRAR's proposed modification to the deer baiting and feeding ban before April 10 by conference call would not be conducive to public participation, may be viewed as acting behind closed doors, and would undercut the citizen participation and public process on the deer baiting and feeding issue scheduled for April 23, 2003.

In addition, a panel of scientists, from around the country who work on CWD, is meeting in Wisconsin April 21 to 22, 2003 to evaluate Wisconsin's CWD program and make their recommendations for improvement.

JCRAR's 2 gallon proposal has been forwarded to this panel of experts for them to discuss and evaluate on April 21, and to report their recommendations the Natural Resources Board. So when the Board acts on April 23, 2003, they will have the benefit of the expertise of this panel.

Extending the emergency rule until April 25 allows the Joint Committee time to respond to the Board's action in the public forum of April 23.

We are attending here only to ask you for an additional 2 week extension for the Board to be able to act on your request at their next scheduled meeting. We would be more than happy to address any questions or concerns you may have on this request.

Thank you for your consideration and action on our request.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 10.07(2), 12.06 and 19.60 relating to the control and management of chronic wasting disease.

WM-15-03 (E)

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014 , 29.033, 29.335, 29.885, 227.11 and 227.24, Stats.

Statutory interpreted: § 29.033, 29.177 and 29.335, Stats.

Sections 1, 2 and 3. Authorizes the Department to allow landowners within the CWD eradication zone to hunt deer over bait by permit.

Section 1. NR 10.07(2) as created by WM-32-02 (E) is repealed and is recreated to read:

NR 10.07(2) BAITING. (a) *General prohibition.* Except as provided in par. (b) or as authorized by a permit issued under s. NR 12.06(11), no person may hunt with the aid of bait, place or use bait for the purpose of hunting wild animals or training dogs.

(b) *Exceptions.* 1. Bait may be placed between April 15 and the close of the bear season for hunting bear or training dogs provided the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the bait material.

2. This subsection does not prohibit hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices.

3. Baiting for purposes of trapping is governed by s. NR 10.13(1)(b).

4. Baiting for waterfowl is governed by s. NR 10.12(1)(h).

5. This subsection does not prohibit hunting over crops planted and left standing as wildlife food plots.

6. Liquid scent may be used for hunting.

7. This subsection does not prohibit hunting in accordance with s. 29.337, Stats., with the aid of feed material placed in compliance with s. NR 19.60.

(c) *Additional prohibitions.* No person may:

1. Place, use or hunt with the aid of bait material or liquid scent in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.

2. Except as allowed by par. (b) 1., place, use or hunt with the aid of bait contained within or containing metal, paper, plastic, glass, wood or other similar processed materials.

3. Place, use or hunt with the aid of bait material or liquid scent within 50 yards of any trail, road or a campsite used by the public.

4. Hunt with the aid of bait material other than liquid scent without possessing a valid, unused bear harvest permit.

5. Hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions of s. NR 19.60, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

Note: Removal of unlawfully placed bait or feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

Section 2. NR 12.06 as created by WM-32-02 (E) is repealed and is recreated to read:

NR 12.06 CWD eradication zone deer removal permits. (1) FINDINGS. Pursuant to s. 29.885(4), Stats., the natural resources board finds that deer within any CWD eradication zone are causing a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD eradication zone defined in s. NR 10.001(6p) in order to reduce the spread of disease within the CWD eradication zone and to reduce the risk of disease spreading outside any CWD eradication zone.

(2) PERMITS. Landowners or lessees or occupants as authorized by the landowner within the eradication zone may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section.

(3) PARTICIPATION BY OTHERS. Persons other than the landowner, lessee or occupant may assist as a participant in the removal of deer in accordance with this section on the land for which the permit is valid.

(a) *Number and selection of participants.* All participants shall be selected by the permittee and shall provide their name, address, phone number and date of birth in a logbook provided by the department to the permittee.

(b) *Age and safety training.* All participants, including the permittee shall meet the requirements of ss. 29.304 and 29.593, Stats., pertaining to hunter safety and age.

(c) *Approval.* All participants shall possess written approval obtained from the permittee and the appropriate, valid hunting license unless exempted under sub. (4)(a) when carrying on removal activities. Written approval may include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, signature of the landowner or lessee, or other form of approval authorized by the department.

(d) *No fees.* The permittee may not charge any form of fee to a participant.

(4) LICENSES, STAMPS AND PERMITS. (a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer.

(b) Antlerless deer harvested under the authority of this section may be used to earn a CWD buck permit issued under s. NR 10.104(11) for the authority to harvest a buck deer during the seasons listed in s. NR 10.01(3)(et) within the CWD management and intensive harvest zones identified in s. NR 10.28(3).

(5) CARCASS DISPOSITION. Unless otherwise directed by the department, carcasses shall be deposited in accordance with the procedures outlined on the permit issued by the department. Any part of any deer harvested under this section may be collected by the department for disease testing purposes.

(6) HARVEST PERIODS. Permits issued to landowners under this section are valid only for the periods specified by the department on the permit.

(7) SHOOTING HOURS. Permittees and participants shall comply with shooting hours described in s. NR 10.06 (5), unless exempted by the department. Exemptions may be granted by the department to allow shooting of deer one hour before sunrise to one hour after sunset.

Note: Copies of shooting tables showing these hours shall be provided to all permittees for their reference and for distribution to participants.

(8) WEAPON USE. The following conditions shall apply to the use of firearms, bows or crossbows on deer shooting permits:

(a) Permittees and participants shall comply at all times when hunting with the blaze orange clothing regulations of s. 29.301 (2), Stats., unless exempted by the department. Exemptions may be granted where local ordinances prohibit the discharge of firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

(b) Except as provided under par. (c), and unless otherwise directed by the department, the weapons designated by the department on the permit will be valid to harvest deer under the authority of the permit identified in sub. (2).

(c) In counties with deer shotgun seasons, a permittee and participants that have been authorized by the permittee may use a rifle that is not otherwise prohibited by s. NR 10.09(1)(c)2.

(9) REGISTRATION. Permittees and participants shall register deer taken under this section in accordance with the procedures designated by the department on the permit.

(10) VALIDATION. Any person who kills a deer or if s. 29.234, Stats., applies, the person providing the carcass tag shall immediately validate and attach the carcass tag as designated by the department.

(11) BAITING. The use of bait to attract or hunt deer for removal purposes by the permittee and participants is not allowed unless specifically authorized by the department and under the conditions specified in the permit.

Section 3. NR 19.60 as created by WM-32-02 (E) is repealed and is recreated to read:

NR 19.60 Feeding of wild animals. (1) PROHIBITIONS. (a) Except as provided in this section or as authorized by a permit issued under s. NR 12.06(11), no person shall place, deposit or allow the placement of any material to feed or attract wild animals.

(b) Landowners, lessees or occupants of any property where feeding in violation of this section occurs shall remove all food illegally placed or deposited upon notification by the department of the illegal activity.

Note: Elevated feeders that are designed to deposit food on the ground are prohibited.

(2) EXCEPTIONS. This paragraph does not prohibit:

(a) Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If the department determines that wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.

(b) Feeding of wild animals, other than deer, by hand is allowed if:

1. Feed is placed not more than 30 feet away from the person feeding
2. The person feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.

(c) Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.

(d) Standing crops planted and left standing as wildlife food plots that may be used by wild animals.

(e) Food material placed for bear hunting or dog training as specified in s. NR 10.07(2).

(f) Food material placed for trapping as specified in s. NR 10.13.

Section 4. Statement of Emergency. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting

Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses. This rule is needed to reduce the deer herd in the CWD eradication zone further than accomplished through the hunting seasons to help prevent the spread of CWD.

Section 5. Initial Applicability. This emergency rule repeals and recreates portions of the original CWD emergency rule order (WM-32-02 (E)) which was adopted by the Natural Resources Board in June 2002. The effective period of this emergency rule will coincide with the effective period of the original CWD emergency rule order which has been extended by the Legislative Joint Committee for Review of Administrative Rules until April 1, 2003, pursuant to 2001 Wisconsin Act 108.

Section 6. Effective Date. The rules shall take effect upon publication in the official state newspaper.

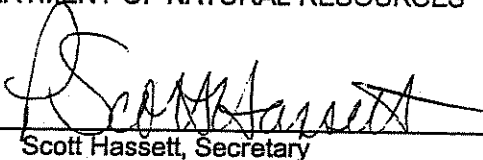
Section 7. Board Adoption. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 7, 2003.

Dated at Madison, Wisconsin

1/8/03

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By



Scott Hassett, Secretary

(SEAL)

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING,
RENUMBERING, AMENDING, AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.01(3)(e)3.cm. and 10.07(1)(g); renumber NR 10.001(1m); amend NR 10.01(3)(e)1. (intro.), 3.a., c. and d., 6. and 6.a., (em)1. and 3., (es)1., (ev), 10.07(1)(a), 10.104(4)(b), 10.27 (1), (2), (5) and (6), 11.02 (intro.), 11.031(title) and (intro.) and 12.10(3)(c); and to create NR 10.001 (1n), (6n), (6p), (6t), (6w), (19e), (23g) and (24m), 10.01(3)(et) and (ez)3., 10.07(2) and (3), 10.104(11) and (12), 10.105(3) and (4), 10.106(2)(e), 10.27(9) and (10), 10.28(3), 10.41, 12.06, 19.001(4) and (15m), 19.60 and NR 45.09(9) relating to the control and management of chronic wasting disease.

WM-32-02 (E)

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014 , 29.033, 29.307, 29.335, 29.885, 227.11 and 227.24, Stats.

Statutory interpreted: § 29.033, 29.177, 29.307, 29.335 and 29.361, Stats.

Sections 1 and 2. Defines an archery hunt as it relates to the special chronic wasting disease (CWD) control and management hunts.

Section 3. Defines CWD.

Section 4. Defines the CWD eradication zone.

Section 5. Defines the CWD intensive harvest zone.

Section 6. Defines the CWD management zone.

Section 7. Defines adequate public notice and information as it relates to defining a new CWD eradication zone.

Section 8. Defines a section of land.

Section 9. Defines a shotgun hunt as it relates to the special CWD control and management hunts.

Section 10. Modifies those deer management units participating in the regular deer gun season framework.

Sections 11 and 12. Modifies those state park properties that have a more restrictive deer season harvest limit and season framework.

Section 13. Defines all of the metro deer management units as Zone "M" and eliminates deer management unit 76M from the list of metro units which have a standard deer season framework and harvest limits.

Section 14. Updates exceptions to the regular deer archery season.

Section 15. Updates exceptions to the muzzleloader season.

Section 16. Creates the Special CWD management control hunt earn-a-buck seasons and framework for the gun and archery hunts in the deer management units, portions of deer management units and state parks that are included in the CWD management and intensive harvest zones.

Sections 17 and 18. Exempts units that are participating in the special CWD herd reduction hunts from the one-day youth antlerless deer hunt and the special herd control hunts.

Section 19. Authorizes the use of aircraft by the department to harvest, spot, rally and drive deer to help with the depopulation of deer within the eradication zone after all other control measures have been considered and also authorizes the use of buckshot from or with aid of aircraft.

Sections 20 and 21. Prohibits the use of bait statewide for hunting and provides exceptions to allow baiting for bear hunting by imposing bait site, permit and date restrictions, and also allows the use of liquid scents for deer hunting.

Section 22. Requires participants in the CWD herd reduction hunts to comply with blaze orange clothing requirements.

Section 23. Modifies the overwinter populations for the deer management units that are included in the CWD management zones and identifies 5 new units that are created as the result of splitting the units when defining the boundaries of the CWD zones.

Section 24. Creates special CWD deer permits that authorize the harvesting of deer within the CWD management zones and creates a permit that will be issued to hunters to replace their carcass tag should they shoot a deer that appears to be diseased while hunting and defines the conditions for their use.

Section 25. Develops transportation and sampling guidelines for deer harvested within and outside of the CWD management zones.

Section 26. Develops registration guidelines for deer harvested within the CWD management zones.

Section 27. Updates state park properties that may conduct firearm, muzzleloader and late bow seasons.

Section 28. Establishes deer seasons and weapon restrictions for specific state park properties.

Section 29. Creates a map that identifies the CWD management zone and the CWD intensive harvest zone.

Section 30. Provides the department with the authority to utilize additional measures when necessary, within their legislative authority, to control the spread of CWD in the state.

Section 31 and 32. Authorizes the shooting of deer in waterfowl closed areas that are located within the CWD management zones.

Section 33 and 34. Identifies deer within the CWD eradication zone as causing a nuisances and authorizes the department to issue permits to landowners and their permittees to harvest deer during periods defined by the department throughout the year and defines the parameters of their issuance and guidelines for their use.

Section 35. Defines bird feeding devices and structures.

Section 36. Defines small mammals.

Section 37. Prohibits feeding of wildlife and outlines exceptions for birds and small mammals.

Section 38. Creates a free state park hunting access permit that is required to hunt in the state parks participating in the special CWD control hunts.

Section 1. NR 10.001(1m) is renumbered NR 10.001(1t).

Section 2. NR 10.001(1n) is created to read.

NR 10.001(24m) "Archery hunt" means a hunting period for hunting deer with bow and arrow or crossbow as authorized by s. 29.171(2) and (2m), Stats., in the area described in s. NR 10.28(3).

Section 3. NR 10.001(6n) is created to read.

NR 10.001(5q) "CWD" means chronic wasting disease.

ction 4. NR 10.001(6p) is created to read.

NR 10.001(6p) The "CWD eradication zone" is the area where the eradication of the deer herd is required to control the spread of chronic wasting disease which consists of:

(a) The sections of land contained within or intersected by a 9 ½ mile radius circle drawn from the center of the initial positive chronic wasting disease deer identified in the Dane county town of Vermont, and

(b) All sections of land contained within or intersected by a 4 ½ mile radius circle drawn from the center of the section of land found to have contained an animal that has tested positive for chronic wasting disease.

Section 5. NR 10.001(6t) is created to read.

NR 10.001(6t) The "CWD intensive harvest zone" means a zone established in s. NR 10.28(3).

Section 6. NR 10.001(6w) is created to read.

NR 10.001(6w) The "CWD management zone" means a zone established in s. NR 10.28(3) excluding the CWD intensive harvest zone described in NR 10.28(3).

Section 7. NR 10.001(19e) is created to read.

NR 10.001(19e) "Notice and information to the public that is adequate" under s. 29.063, Stats., means a department press release to the local news media and the official state newspaper and may also include the following: public meetings, telephone contacts, internet postings, brochure distribution, first class mailings and meetings with landowners in the eradication zone.

Section 8. NR 10.001(23g) is created to read.

NR 10.001(23g) "Section of land" means a numbered one square mile section of platted land within a township.

Section 9. NR 10.001(24m) is created to read.

NR 10.001(24m) "Shotgun hunt" means a hunting period for hunting deer with those firearms defined in sub. (24).

Section 10. NR 10.01(3)(e)1. (intro.) is amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
1. Zone "A"		
All that part of the state not otherwise listed in season zones "B" through "F" "M" or in those zones described in s. NR 10.28(3).		

Section 11. NR 10.01(3)(e)3.a., c. and d. are amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. Zone "C" – State Parks		
a. Governor Dodge (unit 70C), Blue Mound (unit 70D), Perrot (unit 61A) and Peninsula (unit 80C) state parks.	Muzzle loading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 9 consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. The following state parks and trails: Big Bay, Devil's Lake, Elroy-Sparta, Hartman Creek, Interstate, the Plum Island portion of Grand Traverse Islands, Kinnickinnic, Mill Bluff, Mirror Lake , Newport, Rock Island, Tuscobia-Park Falls and Willow River.	The firearm type and season length is the same as authorized for the surrounding deer management unit.	The bag limit is the same as authorized for the surrounding deer management unit.
d. Loew Lake Unit - Kettle Moraine state forest (unit 77D), Wildcat Mountain (unit 72A), Yellowstone (unit 75B) , Rib Mountain (unit 57D), Harrington Beach (unit 69C) and Brunet Island (unit 23A) state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for up to 16 consecutive days as indicated on the permit.	One deer as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 12. NR 10.01(3)(e)3.cm. is repealed.

Section 13. NR 10.01(3)(e)6. and a. are amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
6. <u>Zone "M"</u>		
a. Deer management units 59M, 60M, 64M, 76M and 77M.	Shotgun season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 9 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.
	Shotgun season beginning on the day immediately following the season described above and continuing through the second Sunday in December.	One antlerless deer per hunter's choice or antlerless deer permit issued under s. NR 10.104.

Section 14. NR 10.01(3)(em)1. and 3. are amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(em) <i>Deer bow season</i>		
1. Statewide except as established under s. NR 10.01(3)(em)2., and 3. , <u>and (et)3.</u>	Beginning on the Saturday nearest September 15 and continuing through the 2 nd day immediately prior to the opening of the deer gun season described in par. (e).	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.
	Reopening on the day immediately after the deer gun season described in par. (e) and continuing through January 3.	One deer of either sex and one antlerless deer per hunter's choice and per bonus permit issued under s. NR 10.104.

Kind of animal and locality	Open season (all dates inclusive)	Limit
3. M, M-1, M-2, M-3 Deer management units 1M, 59M, 60M, 64M, 76M and 77M.	Beginning on the Saturday nearest September 15 and continuing through the Thursday immediately prior to the opening of the deer gun season and reopening on the Saturday immediately preceding the Thanksgiving holiday and continuing through January 31.	One deer of either sex and one antlerless deer per hunter's choice and bonus permit issued under s. NR 10.104.

Section 15. NR 10.01(3)(es)1. is amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(es) <i>Muzzleloader deer season</i>		
1. Entire state, except for the areas described in subd. 2. and <u>par. (et)</u> .	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days.	One buck deer or as authorized by hunter's choice and antlerless deer permits issued under s. NR 10.104.

Section 16. NR 10.01(3)(et) is created to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(et) <i>Special CWD management zone herd cuction hunts.</i>		
1.a. In the portions of deer management units 54B-CWD, 70-CWD, 70B-CWD, 70E-CWD, 70G-CWD, 71-CWD, 73B-CWD, 73E-CWD and the Iowa county portions of 70A-CWD, 75A-CWD and 75C-CWD included in the CWD management zone except state parks.	Firearm hunt October 24 -27.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
	Firearm hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	
	Firearm hunt beginning on the Saturday immediately preceding the Christmas holiday and continuing through January 3 rd .	
b. In the Dane, Green, Lafayette and Rock county portions of deer management units 75A-CWD, 75C-CWD, 75D-CWD, 76-CWD, 76M-CWD and 77A-CWD except for state parks.	Shotgun hunt October 24 -27.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
	Shotgun hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	
	Shotgun hunt beginning on the Saturday immediately preceding the Christmas holiday and continuing through January 3 rd .	

Kind of animal and locality	Open season (all dates inclusive)	Limit
c. Yellowstone (75B) and Cadiz Springs state parks	Shotgun hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
d. Devil's Lake, Governor Dodge (70C) and Mirror Lake state parks.	Firearm hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
e. Natural Bridge (70F) and Rocky Arbor state parks	Firearm hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
2. a. In the CWD intensive harvest zone as described in s. NR 10.28(3) excluding unit 70D.	Firearm hunt beginning on October 24 and continuing through January 31.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
b. Blue Mounds state park (70D)	Firearm hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily.	One antlerless deer per gun deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
3.a. In the CWD management zone described in s. NR 10.28(3), excluding deer management unit 76M-CWD and state parks.	Firearm hunt beginning on the day immediately following the hunt described above and continuing through December 15.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 3 rd .	

Kind of animal and locality	Open season (all dates inclusive)	Limit
b. CWD intensive harvest zone as described in s. NR 10.28(3) and deer management unit 76M-CWD, excluding state parks.	Archery hunt beginning on the Saturday nearest September 15 and continuing through January 31 st .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
c. Blue Mounds state park (70D)	Archery hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Archery hunt beginning on the day immediately following the hunt described above and continuing through December 15.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
d. Devil's Lake and Mirror Lake state parks	Archery hunt October 24 - 27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing through January 3 rd .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
e. Natural Bridge (70F) and Cadiz Springs state parks	Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
f. Yellowstone (75B) and Rocky Arbor state parks	Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing through January 3 rd .	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.
g. Governor Dodge state park (70C)	Archery hunt October 24 -27. Legal hunting hours are the same as those established in s. NR 10.06 (5) except that hunting hours will close at 12:00 p.m. daily. Archery hunt beginning on Saturday immediately preceding the Thanksgiving holiday and continuing for 23 consecutive days.	One antlerless deer per archery deer carcass tag or antlerless permit. In addition, buck deer may be taken pursuant to s. NR 10.104(11). Hunter's choice and antlerless deer permits issued under s. NR 10.104 are not valid in these zones.

Section 17. NR 10.01(3)(ev) is amended to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(ev) <i>Special youth antlerless deer hunt event.</i>		

Persons 12 years of age or older but under the age of 16 years of age who possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state or province, may hunt antlerless deer with a gun on the Saturday nearest October 24 in deer management units, except state park units and units or parts and parts of units described in par. (et), not included in a deer herd control hunt under s. NR 10.01 (3) (ez) or a CWD herd reduction hunt under par. (et). Allowable types of guns are those authorized on the first day of the regular gun deer season under ~~s. NR 10.01(3) par. (e)~~. The bag limit is one antlerless deer per hunter's choice or antlerless deer permit issued under s. NR 10.104. Youth who are first time graduates of the hunter education program may use their certificates of accomplishment in place of a hunter's choice permit issued under s. 29.177, Stats., to take an antlerless deer. Hunters shall be accompanied by an adult 18 years of age or older. One adult may not accompany more than 2 hunters and all other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on this day except waterfowl hunters.

Section 18. NR 10.01(3)(ez) 3. is created to read.

Kind of animal and locality	Open season (all dates inclusive)	Limit
(ez) <i>Special deer herd control hunt.</i>		

3. Areas specified under this paragraph exclude areas described in par. (et).

Section 19. NR 10.07(1)(a) is amended to read.

NR 10.07(1)(a) *Aircraft*. Hunt with the aid of an ~~airplane~~ aircraft, including the use of an ~~airplane~~ aircraft to spot, rally or drive wild animals for hunters on the ground, except as authorized by the department within the CWD eradication zone defined in s. NR 10.001(6p) when all other alternatives to shooting and driving animals from aircraft have been considered and the department determines that the use of aircraft is necessary in order to control the spread of disease in animals as follows:

1. Deer may be shot from aircraft only between December 1 and the following April 15.
2. Aircraft may be used to spot, rally or drive deer for harvest or other control purposes as authorized by the department.
3. Deer may be harvested from an aircraft only on properties where the department has received landowner approval.
4. Deer driven with an aircraft may be harvested by ground shooters.
5. All ground shooters participating in control of deer with the aid of an aircraft shall wear blaze orange clothing as described in s. 29.310(2), Stats.
6. Notwithstanding s. NR 10.09(1)(a)2., any person authorized by the department to shoot deer from or with the aid of an aircraft pursuant to this paragraph, may use shotshells loaded with shot larger than no. BB to shoot deer.

Section 20. NR 10.07(1)(g) is repealed.

Section 21. NR 10.07(2) is created to read.

NR 10.07(2) BAITING. (a) *General prohibition.* Except as provided in par. (c), no person may hunt with the aid of bait or place or use bait for the purpose of hunting wild animals or training dogs.

(b) *Exceptions.* 1. Bait may be placed between April 15 and the close of the bear season for hunting bear or training dogs provided the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the bait material.

2. This subsection does not prohibit hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices.

3. Baiting for purposes of trapping is governed by s. NR 10.13(1)(b).

4. Baiting for waterfowl is governed by s. NR 10.12(1)(h).

5. This subsection does not prohibit hunting over crops planted and left standing as wildlife food plots.

6. Liquid scent may be used for hunting.

7. This subsection does not prohibit hunting in accordance with s. 29.337, Stats., with the aid of feed material placed in compliance with s. NR 19.60.

(c) *Additional prohibitions.* No person may:

1. Place, use or hunt with the aid of bait material or liquid scent in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.

2. Except as allowed by par. (b) 1., place, use or hunt with the aid of bait contained within or containing metal, paper, plastic, glass, wood or other similar processed materials.

3. Place, use or hunt with the aid of bait material or liquid scent within 50 yards of any trail, road or a campsite used by the public.

4. Hunt with the aid of bait material other than liquid scent without possessing a valid, unused bear harvest permit.

5. Hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions of s. NR 19.60, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

Note: Removal of unlawfully placed bait or feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

Section 22. NR 10.07(3) is created to read.

NR 10.07(3) CWD BLAZE ORANGE REQUIREMENTS. The blaze orange requirements described in s. 29.301(2), Stats., apply to CWD deer herd reduction and eradication hunts under s. NR 10.01(3)(et).

Section 23. NR 10.104(4)(b) is amended to read.

NR 10.104(4) DEER POPULATION GOALS. (b) *Unit goals.* The deer population goals for each deer management unit described in s. NR 10.28 shall be expressed as the number of deer per square mile of deer range in ~~January-February~~ and are as follows:

Management Unit	Deer Goal	Management Unit	Deer Goal	Management Unit	Deer Goal
1	20	40	20	65A	30
1M	10	41	25	65B	30
2	18	42	20	66	25
3	12	43	15	67A	25
4	10	44	17	67B	25
5	20	45	20	68A	30
6	12	46	25	68B	30
7	15	47	25	69	25
8	20	48	20	70-CWD	25 10
9	20	49A	25	70A-CWD	25 10
10	25	49B	25	70B-CWD	25 10
11	20	50	20	70E-CWD	25 10
12	17	51A	25	70G	30
13	15	51B	25	70G-CWD	10
14	14	52	20	71	25
15	25	53	25	71-CWD	10
16	25	54A	25	72	20
17	15	54B	25	73B	20
18	20	54B-CWD	10	73B-CWD	10
19	20	54C	25	73D	20
20	18	55	25	73E-CWD	22 10
21	25	56	30	74A	15
22	20	57	22	74B	20
22A	20	57A	25	75A-CWD	20 10
23	20	57B	25	75C-CWD	20 10
24	20	57C	30	75D-CWD	20 10
25	20	58	25	76-CWD	20 10
26	20	59A	20	76A	25
27	20	59B	15	76M-CWD	10
28	11	59C	25	77A	20
29A	12	59D	20	77A-CWD	10
29B	12	59M	10	77B	15
30	15	60A	20	77C	15
31	20	60B	20	77M	10
32	21	60M	10	78	15
33	20	61	15	80A	15
34	17	62A	25	80B	20
35	20	62B	25	81	15
36	25	63A	25		
37	25	63B	25		
38	20	64	20		
39	20	64M	10		

Note: The portion of those units which are located within the CWD eradication zone defined in s. NR 10.001(6p) will have a goal of 0 deer per square mile of deer range. A CWD suffix after a unit number pertains to the units or portion of those units that are in the CWD management zones described in s. NR 10.28(3).

Section 24. NR 10.104(11) and (12) are created to read.

NR 10.104(11) CHRONIC WASTING DISEASE SPECIAL PERMITS. In the CWD management and intensive harvest zones as described in s. NR 10.28(3) a valid gun or archery deer license and carcass tag or a special antlerless permit issued under s. NR 10.01(3)(ez), 12.06, 12.15 or 19.11 are all valid for tagging an antlerless deer or a buck deer pursuant to the procedure described in par. (a)3. In addition, the following carcass tags are valid for the taking and tagging of additional deer:

(a) *Special CWD earn-a-buck permits*. This special permit issued under s. 29.177, Stats., is valid for the taking of an antlerless deer in the deer management units or portions of deer management units included in the CWD management and intensive harvest zones as described in s. NR 10.28(3). These special permits:

1. Will be issued free of charge at a rate of up to 4 permits per day per hunter.
2. Can be used during any of the hunts described in s. NR 10.01(3)(et).
3. Can be used to tag a buck deer if:
 - a. An antlerless deer has been legally harvested and tagged prior to the harvest of the buck deer, and
 - b. The antlerless deer accompanies the buck deer until each is registered.

(b) *Special CWD buck deer permits*. A special CWD buck permit, issued under s. 29.177, Stats., is valid for the taking of a buck deer in management units or portions of deer management units included in the CWD management and intensive harvest zones as described in s. NR 10.28(3). A buck deer permit may only be issued to an individual for each antlerless deer they register in the zone described in s. NR 10.28(3) that are not used for credit on a previous buck deer. Buck deer may be killed and tagged with a buck permit only after harvesting an antlerless deer in accordance with par. (a). These permits are:

1. Valid during any of the hunts described in s. NR 10.01(3)(et).
2. Valid only for the hunter who registered an antlerless deer to secure authorization for that hunter to tag one buck deer in the CWD management or intensive harvest zones for each antlerless deer killed.
3. Issued free of charge upon registering an antlerless deer in accordance with this subdivision.

(12) SPECIAL DISEASED DEER REPLACEMENT PERMITS. The department may provide free replacement permits issued under s. 29.177, Stats., to hunters who harvest deer that are suspected of being diseased, provided that the deer is surrendered to the department or is disposed of as directed by the department. Each special permit shall be:

- (a) Issued by a department employee or a designated agent.
- (b) Issued to the hunter harvesting and tagging the suspect deer.
- (c) Issued for the type of deer authorized on the permit or license used to harvest and tag the suspect deer.

Section 25. NR 10.105(3) and (4) are created to read.

NR 10.105(3) CWD ZONE CARCASS TRANSPORTATION. In the CWD management and intensive harvest zones no person may:

(a) Transport a buck deer from the time it is killed to the time it is registered under s. NR 10.106(2)(e) unless tagged with a special CWD buck permit described in s. NR 10.104(11)(b) or accompanied by the antlerless deer that authorized the buck deer and each is tagged in the CWD management or intensive harvest zones and tagged with a special CWD earn-a-buck permit, gun or bow carcass tag, or other antlerless permit authorized in s. NR 10.104(11).

(b) Transport an unregistered deer killed outside the CWD intensive harvest zone into or through the CWD intensive harvest zone.

(c) Transport an unregistered deer killed outside the CWD management zone into or through the CWD management zone.

(4) DISEASE SAMPLING. Notwithstanding s. 29.347, Stats., any part of any animal harvested under s. NR 10.01(3) may be collected or sampled by the department for disease testing purposes prior to registration.

Section 26. NR 10.106(2) (e) is created to read.

NR 10.106(2)(e) *CWD intensive harvest and management zones*. Any deer harvested in the CWD intensive harvest zone and CWD management zone shall be registered at registration stations designated by the department within these zones no later than 5:00 p.m. on the day after it was killed, unless otherwise authorized by the department.

Section 27. NR 10.27(1), (2), (5) and (6) are amended to read.

NR 10.27(1) MUZZLELOADER SEASON. Deer hunting by muzzleloader is allowed in ~~Blue Mound, Governor Dodge, Harrington Beach, Peninsula, Wildcat Mountain and Perrot state parks~~ during the seasons specified in s. NR 10.01 (3) (e) 3.

(2) FIREARM SEASON. Deer hunting by firearm is allowed in ~~Natural Bridge and Wyalusing state parks~~ park during the season specified in s. NR 10.01 (3) (e) 3.

(5) FIREARM AND LATE BOW SEASONS. Deer hunting by firearm and bow and arrow is established by s. NR 10.01 (3) (e) 3. and (et) 1. and 2. and the December portion of s. NR 10.01 (3) (em) and the December and January portion of (et)3. for the following:

- ~~(b) Devil's Lake state park~~
- (c) Elroy-Sparta state trail
- (d) Hartman Creek state park
- (e) Interstate state park
- (f) Kinnickinnic state park
- ~~(g) Mirror Lake state park~~
- (j) Tuscobia-Park Falls state trail
- (L) Willow River state park
- (m) Rocky Arbor state park
- (q) Natural Bridge state park

(6) LATE BOW AND MUZZLELOADER SEASON. Deer hunting by bow and arrow is established for the December portion of s. NR 10.01 (3) (em) and by muzzle loader during the season established in s. NR 10.01 (3) (e) 3. for Wildcat Mountain, ~~Yellowstone,~~ Rib Mountain, Harrington Beach and Brunet Island state parks. Hunting and the bag limit is authorized by unfilled hunter's choice and antlerless deer permits issued under s. NR 10.104.

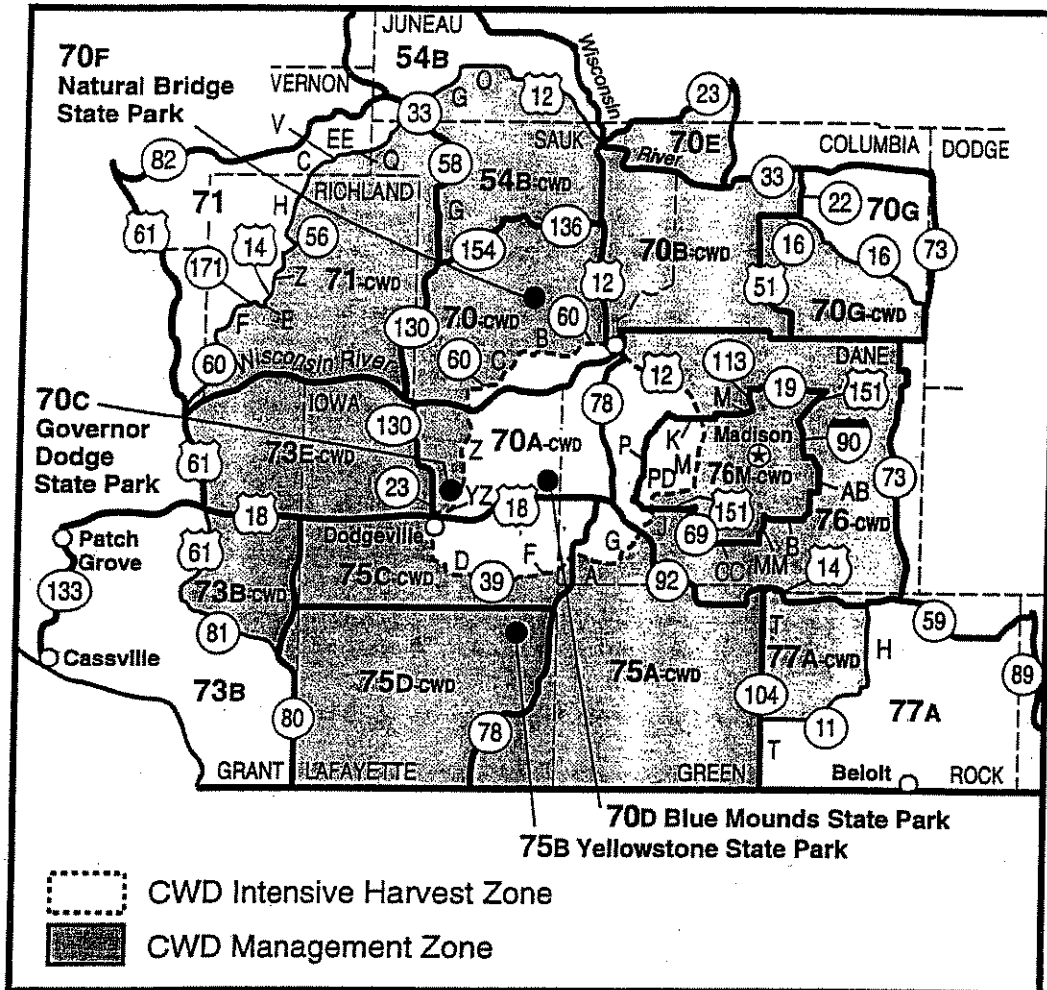
Section 28. NR 10.27(9) and (10) are created to read.

NR 10.27 (9) SHOTGUN AND LATE BOW SEASONS. Deer hunting by shotgun is established in Yellowstone and Cadiz Springs state parks during the season specified in s. NR 10.01 (3) (et)1.c. and by bow and arrow for the December portion of s. NR 10.01 (3)(et)3. in Cadiz Springs state park and during the December and January portion of s. NR 10.01(3)(et)3. for Yellowstone state park.

(10) FIREARM, EARLY AND LATE BOW SEASONS. Deer hunting by firearm is established in Devil's Lake, Blue Mounds, Mirror Lake and Governor Dodge state parks during the seasons specified in s. NR 10.01(3)(et)1. and by bow and arrow for the seasons described in s. NR 10.01(3)(et)3.

Section 29. NR 10.28(3) is created to read.

NR 10.28(3) CWD MANAGEMENT AND INTENSIVE HARVEST ZONES.



Section 30. NR 10.41 is created to read.

NR 10.41 **Official state duties.** Nothing in this chapter shall prohibit or hinder the department and its employees, duly authorized agents, or contractors from performing their official duties.

Section 31. NR 11.02 (intro.) is amended to read.

NR 11.02 **Waterfowl closed area except gun deer and special goose hunting.** (intro.) A closed season is established in the following areas as posted with department signs. No person may hunt or trap any species of wild animal thereon, except Canada geese on areas and during periods established in s. NR 10.23, and deer during periods and in areas established in s. NR 10.01 (3) (e), ~~and (es) and (et)~~, during the open seasons on waterfowl established in s. NR 10.01 (1). Legally killed or crippled game may be retrieved from such areas by dog or hand.

Section 32. NR 11.031 (title) and (intro.) are amended to read.

NR 11.031 (title) **Waterfowl closed area; trapping and deer hunting permitted.** (intro.) A closed season is established in the following areas posted with department signs. No person may hunt any species of wild animal ~~thereon, except deer during the~~ periods and in areas established in s. NR 10.01(3)(et) during the open season on waterfowl established in s. NR 10.01 (1) (b) and (g). Legally killed or crippled game may be retrieved from such areas by dog or hand.

Section 33. NR 12.06 is created to read.

NR 12.06 CWD eradication zone deer removal permits. (1) FINDINGS. Pursuant to s. 29.885(4), Stats., the natural resources board finds that deer within any CWD eradication zone are causing a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD eradication zone defined in s. NR 10.001(6p) in order to reduce the spread of disease within the CWD eradication zone and to reduce the risk of disease spreading outside any CWD eradication zone.

(2) PERMITS. Landowners or lessees or occupants as authorized by the landowner within the eradication zone may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section.

(3) PARTICIPATION BY OTHERS. Persons other than the landowner, lessee or occupant may assist as a participant in the removal of deer in accordance with this section on the land for which the permit is valid.

(a) *Number and selection of participants.* All participants shall be selected by the permittee and shall provide their name, address, phone number and date of birth in a logbook provided by the department to the permittee.

(b) *Age and safety training.* All participants, including the permittee shall meet the requirements of ss. 29.304 and 29.593, Stats., pertaining to hunter safety and age.

(c) *Approval.* All participants shall possess written approval obtained from the permittee and the appropriate, valid hunting license unless exempted under sub. (4)(a) when carrying on removal activities. Written approval may include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, signature of the landowner or lessee, or other form of approval authorized by the department.

(d) *No fees.* The permittee may not charge any form of fee to a participant.

(4) LICENSES, STAMPS AND PERMITS. (a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer.

(b) Antlerless deer harvested under the authority of this section may be used to earn a CWD buck permit issued under s. NR 10.104(11) for the authority to harvest a buck deer during the seasons listed in s. NR 10.01(3)(et) within the CWD management and intensive harvest zones identified in s. NR 10.28(3).

(5) CARCASS DISPOSITION. Unless otherwise directed by the department, carcasses shall be deposited in accordance with the procedures outlined on the permit issued by the department. Any part of any deer harvested under this section may be collected by the department for disease testing purposes.

(6) HARVEST PERIODS. Permits issued to landowners under this section are valid only for the periods specified by the department on the permit.

(7) SHOOTING HOURS. Permittees and participants shall comply with shooting hours described in s. NR 10.06 (5), unless exempted by the department. Exemptions may be granted by the department to allow shooting of deer one hour before sunrise to one hour after sunset.

Note: Copies of shooting tables showing these hours shall be provided to all permittees for their reference and for distribution to participants.

(8) WEAPON USE. The following conditions shall apply to the use of firearms, bows or crossbows on deer shooting permits:

(a) Permittees and participants shall comply at all times when hunting with the blaze orange clothing regulations of s. 29.301 (2), Stats., unless exempted by the department. Exemptions may be granted where local ordinances prohibit the discharge of firearms and bow hunting or a trained sharpshooter during the closed deer gun season are the only methods available to remove deer.

(b) Except as provided under par. (c), and unless otherwise directed by the department, the weapons designated by the department on the permit will be valid to harvest deer under the authority of the permit identified in sub. (2).

(c) In counties with deer shotgun seasons, a permittee and participants that have been authorized by the permittee may use a rifle that is not otherwise prohibited by s. NR 10.09(1)(c)2.

(9) REGISTRATION. Permittees and participants shall register deer taken under this section in accordance with the procedures designated by the department on the permit.

(10) VALIDATION. Any person who kills a deer or if s. 29.234, Stats., applies, the person providing the carcass tag shall immediately validate and attach the carcass tag as designated by the department.

Section 34. NR 12.10(3)(c) is amended to read.

NR 12.10(3)(c) All Except as authorized in s. NR 12.06 (3)(c), all participants and persons assisting participants shall possess written approval from the permittee and the appropriate, valid hunting or trapping license when carrying on removal activities. Written approval shall include: name, address and phone number of landowner; name, address and phone number of the person removing wild animals; property location and removal activities, authorized period of removal, species of animals authorized for removal, signature of the landowner or lessee, and date.

Section 35. NR 19.001(4) is created to read.

NR 19.001(4) "Bird feeding devices and structures" means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

Section 36. NR 19.001(15m) is created to read.

NR 19.001(15m) "Small mammals" mean all mammals other than bear, deer and elk.

Section 37. NR 19.60 is created to read.

NR 19.60 Feeding of wild animals for non-hunting purposes. (1) PROHIBITIONS. (a) Except as provided in this section, no person shall place, deposit or allow the placement of any material to feed or attract wild animals.

(b) Landowners, lessees or occupants of any property where feeding in violation of this section occurs shall remove all food illegally placed or deposited upon notification by the department of the illegal activity.

Note: Elevated feeders that are designed to deposit food on the ground are prohibited.

(2) EXCEPTIONS. This paragraph does not prohibit:

(a) Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If the department determines that wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer..

(b) Feeding of wild animals, other than deer, by hand is allowed if:

1. Feed is placed not more than 30 feet away from the person feeding
2. The person feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.

(c) Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices..

(d) Standing crops planted and left standing as wildlife food plots that may be used by wild animals.

(e) Food material placed for bear hunting or dog training as specified in s. NR 10.07(2).

(f) Food material placed for trapping as specified in s. NR 10.13.

Section 38. NR 45.09(9) is created to read.

NR 45.09(9) CWD STATE PARK DEER HUNTING ACCESS PERMIT. (a) Unless authorized by the department, no person may hunt deer in accordance with the hunts described in s. NR 10.01(3)(et) in the following state parks without first obtaining a free state park deer hunting access permit and a property map identifying those areas closed to deer hunting within the park properties.

1. Devil's Lake state park
 2. Mirror Lake state park
 3. Rocky Arbor state park
 4. Blue Mounds state park
 5. Governor Dodge state park
 6. Natural Bridge state park
 7. Yellowstone state park
 8. Cadiz Springs state park
- (b) The number of access permits issued will not be limited in number.

Note: Permits will be available at the state park office and other locations designated by the department.

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule - making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, it's citizens and businesses.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on
June 25, 2002.

The rules shall take effect upon publication in the official state newspaper.

Dated at Madison, Wisconsin

June 27, 2002

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Darrell Bazzell
Darrell Bazzell, Secretary

(SEAL)

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Whitetails Unlimited reconsidering support for deer baiting ban

The Associated Press
Published 04/07/2003

A national outdoors group of primarily deer hunters is reconsidering its support of a permanent ban on baiting and feeding deer in Wisconsin, a spokesman said Monday.

Whitetails Unlimited, based in Sturgeon Bay, backed the state Department of Natural Resources when it passed emergency regulations banning deer baiting and feeding across the state because of the discovery of chronic wasting disease in deer near Mount Horeb.

But the group's board of directors is expected to meet within the next two weeks to reconsider its support of the permanent ban, spokesman Jeff Davis said Monday.

Whitetails Unlimited's willingness to reconsider its position on the issue shows how divisive the ban has become within the state's hunting community and how emotionally charged the issue has become, Davis said.

The days of making decisions regarding chronic wasting disease in a "crisis mode" may be over, and strong hunting traditions may be coming back into play, he said.

"We have taken a lot of heat," Davis said. "It was the right thing to do at the time, but that was then and this is now. We have found our membership is really split on the issue."

Whitetails Unlimited is a nonprofit conservation organization with 70,000 members nationwide, including 36,000 in Wisconsin.

DNR wildlife administrator Tom Hauge did not immediately return a telephone message The Associated Press left Monday seeking comment.

The proposed permanent ban on feeding and baiting deer is the only part of the state's strategy to stop the disease that would directly affect hunters outside of the area where the disease was discovered.

In February 2002, the DNR announced that three bucks shot near Mount Horeb the previous fall had mad-deer disease, the first time it was discovered east of the Mississippi River.

The disease, which has no cure, causes deer to grow thin, act abnormal and die. The affliction threatens the state's \$1 billion annual hunting industry.

The Natural Resources Board voted June 25 to ban the feeding and baiting of deer statewide after experts said the disease is spread by contact among animals. Baiting and feeding deer brings the animals together, so banning it was seen as a way to help stop the disease from spreading.

The DNR now wants the ban to become permanent, and the Natural Resources Board is expected to take up the issue later this month.

A year ago, the ban seemed like a good idea as a way to prevent the spread of an awful disease in the herd, Davis said.

But the DNR has now tested deer throughout the state and found no evidence of the disease beyond where it was discovered a year ago, he said.

"Our members ask, 'If there is no disease here, why do we have to have this measure to prevent the spread of the disease?'" Davis said.

So far, the DNR has tested about 35,000 deer for the disease and found 130 with it - 68 in Iowa County, 60 in Dane County, one in Richland County and one in Sauk County.

The DNR has said baiting and feeding deer has always been legal in Wisconsin, but its popularity skyrocketed in the 1980s. Surveys of hunters indicate a ban on baiting would not lead many to give up the sport, the agency has said.

Trig Solberg, chairman of the Natural Resources Board, has said about 50 percent of hunters bait deer. Feeding deer is also a popular recreational activity because people like to see deer.

Whitetails Unlimited continues to support the DNR's research into chronic wasting disease and its efforts to eliminate the disease from the herd, Davis said.

"We are against the disease," he said. "The exact method to accomplish that is why you hire professionals."

On the Net:

Department of Natural Resources: <http://www.dnr.state.wi.us/>

Whitetails Unlimited: <http://www.whitetailsunlimited.org>

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**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING,
AMENDING AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to repeal NR 10.07(1)(g), amend NR 10.001(2) and (14); and to create NR 10.001 (7e), (23e), 10.07(2) and (2m), 19.001(4) and (15m), and 19.60 relating to the regulation of baiting and feeding to control and manage chronic wasting disease and bovine tuberculosis.

WM-37-03(E)

Analysis Prepared by Department of Natural Resources

Statutory Authority: § 29.014 , 29.063, 29.335, 227.11 and 227.24, Stats.

Statutes Interpreted: § 29.063 and 29.335, Stats.

Sections 1. Amends the definition of bait.

Section 2. Defines decoy.

Section 3. Amends the definition of liquid scent.

Section 4. Defines scent.

Sections 5. Repeals the existing baiting language.

Section 6. Prohibits the use of bait in an entire county if the county or portion of that county is in a CWD zone, in counties where animals have tested positive for CWD or Bovine TB, or counties within a 10-mile radius of animals that have tested positive for CWD or Bovine TB. Provides exceptions for landowners in the eradication zone and for bear hunting by imposing bait site, permit and date restrictions, and also allows the use of liquid scents for deer hunting.

Section 7. Creates baiting regulations for areas outside of the areas described in section 6. These regulations were previously located in NR 10.07(1)(g), but repealed to better organize the chapter.

Section 8. Defines bird feeding devices and structures.

Section 9. Defines small mammals.

Section 10. Prohibits feeding in an entire county if the county or portion of that county is in a CWD zone, in counties where animals have tested positive for CWD or Bovine TB, or counties within a 10-mile radius of animals that have tested positive for CWD or Bovine TB. Outlines exceptions for birds and small mammals.

Section 1. NR 10.001(2) is amended to read.

NR 10.001(2) For the purposes of this chapter, "bait" means ~~honey and any solid or nonliquid~~ any material attractive used to attract wildlife including liquid scent.

Section 2. NR 10.001(7e) is created to read.

NR 10.001(7e) "Decoy" means the ~~replica~~ of an animal used to attract wild animals for the purpose of hunting, but does not include any food materials that can be consumed by any wild animal.

Section 3. NR 10.001(14) is amended to read.

NR 10.001(14) "Liquid scent" means any ~~nonsolid~~ liquid material except honey used to attract wild animals solely by its odor.

Section 4. NR 10.001(23e) is created to read.

NR 10.001(23e) "Scent" means any material except honey, used to attract wild animals solely by its odor.

Section 5. NR 10.07(1)(g) is repealed.

Section 6. NR 10.07(2) is created to read.

NR 10.07(2) BAITING PROHIBITED. (a) *Affected area*. This subsection applies to an entire county if:

1. CWD eradication zones, CWD intensive harvest zones or herd reduction zones have been established in the county or a portion of the county, or
2. A CWD or bovine tuberculosis positive captive or free-roaming, domestic or wild animal has been confirmed since January 1, 1998 from the county, or
3. The county or portion of the county is within a 10 mile radius of a captive or free-roaming, domestic or wild animal that has been tested and confirmed to be positive for CWD or bovine tuberculosis since January 1, 1998.

(b) *General prohibition*. 1. Except as provided in par. (c) or as authorized by a permit issued under s. NR 12.06(11), no person may hunt with the aid of bait, or place or use bait for the purpose of hunting wild animals or training dogs.

2. No person may hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions of s. NR 19.60, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

Note: Removal of unlawfully placed bait or other feeding material does not preclude the issuance of a citation for the original placement of the unlawful baiting or feeding material.

(c) *Exceptions*. A person may hunt with the aid of bait or place or use bait in any of the following circumstances:

1. Bait may be placed in compliance with par. (d) between April 15 and the close of the bear season for hunting bear or training bear dogs during the open seasons for these activities, provided that when the bait is placed and when the bait site is checked or re-baited, the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material.
2. Liquid scent used for hunting of bear or training bear dogs from April 15 to the end of bear season does not need to be enclosed in a hollow log, a hole in the ground or stump.
3. This subsection does not prohibit hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices.
4. This subsection does not prohibit hunting over crops planted and left standing as wildlife food plots.
5. Scent may be used for hunting deer or elk provided the scent is not placed or deposited in a manner that it is accessible for consumption by deer or elk and non-liquid scents shall be removed daily at the end of hunting hours for deer established in s. NR 10.06(5). Two ounces or less of liquid scent may be placed or deposited in any manner for hunting game.
6. This subsection does not prohibit hunting in accordance with s. 29.337, Stats., with the aid of feed material placed in compliance with s. NR 19.60.

Note: Baiting for purposes of trapping is regulated by ss. NR 10.13(1)(b), 19.27, 19.275 and not this subsection, baiting for migratory birds is regulated by s. NR 10.12(1)(h) and not this subsection. This subsection does not prohibit hunting with the use of decoys except as already prohibited under ss. NR 10.12(1)(f) and (g) and 10.25(4)(d).

(d) *Additional prohibitions for bear hunting and bear dog training*. No person may when hunting bear or bear dog training:

1. Place, use or hunt with the aid of bait material, in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.
2. Except as allowed by par. (b) 1. and 5., place, use or hunt with the aid of bait material, other than scent, which is contained within or containing metal, paper, plastic, glass, wood or other similar processed materials.
3. Place, use or hunt with the aid of bait material within 50 yards of any trail, road or a campsite used by the public.
4. Hunt with the aid of bait material, other than scent, without possessing a valid unused class A or a class B bear license under s. 29.184, Stats.

(c) *Inclusion of additional counties.* 1. The department may include a county under this sub. if the county meets the criteria established in par. (a)1., 2. or 3.

2. The prohibitions and exemptions in this subsection shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators, hunting license outlets in the area affected, and the department's internet web site at www.dnr.state.wi.us.

Section 7. NR 10.07(2m) is created to read.

NR 10.07(2m) BAITING AUTHORIZED. This subsection applies statewide, except for those areas defined under sub. (2)(a).

1. Place, use or hunt over bait contained within or containing metal, paper, plastic, glass, wood other than hollow stumps or other nondegradable materials.

2. Except as established in s. NR 10.12 (1) (h), for the purpose of hunting or training dogs, place, use or hunt over bait for attracting wild animals containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses, or in excess of 10 gallons of bait in a baited area.

3. Place or hunt over bait within 50 yards of any trail, road or campsite used by the public.

4. Hunt over bait during the archery season without possessing a valid, unused bear harvest permit or archery deer tag.

5. Hunt or pursue animals, or train dogs, in an area baited in violation of subd. 1. or 2. from July 1 through January 1 unless the area is completely free of bait for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

6. This paragraph does not prohibit hunting over bait materials deposited by natural vegetation or found solely as a result of normal agricultural practices.

7. Hunt using bait during the closed hours for hunting small game, as established in s. NR 10.06 (5), unless the hunting involves the release of trailing dogs.

Section 8. NR 19.001(4) is created to read.

NR 19.001(4) "Bird feeding devices and structures" means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

Section 9. NR 19.001(15m) is created to read.

NR 19.001(15m) "Small mammals" mean all mammals other than bear, deer and elk.

Section 10. NR 19.60 is created to read.

NR 19.60 Feeding of wild animals. (1) AFFECTED AREA. This subsection applies to entire counties if they meet the criteria in s. NR 10.07(2)(a)1., 2. or 3.

(2) PROHIBITIONS. (a) Except as provided in this section or by permit issued under s. NR 12.06(11), no person may place, deposit or allow the placement of any material to feed or attract wild animals.

[Drafter's Note: NR 12.06(11) was created in Clearinghouse Rule No. 03-016]

(b) Any person placing material or feed to attract wild animals in violation of this section shall remove all food or other material illegally placed or deposited when ordered by the department to do so.

(c) Landowners, lessees or occupants of any property where feeding in violation of this section occurs shall remove all food or other material illegally placed or deposited upon notification by the department of the illegal activity.

(d) Elevated feeders that are designed to deposit food on the ground are prohibited.

(3) EXCEPTIONS. This paragraph does not prohibit any of the following activities:

(a) Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If the department determines that wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.

(b) Feeding of wild animals, other than deer, elk or bear, by hand is allowed if:

1. Feed is placed not more than 30 feet away from the person feeding, and

2. The person feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.

(c) Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.

- (d) Standing crops planted and left standing as wildlife food plots that may be used by wild animals.
- (e) Food material placed for bear hunting or bear dog training as specified in s. NR 10.07(2).
- (f) Food material placed for trapping as specified in s. NR 10.13.
- (g) The use of decoys for non-hunting purposes.
- (h) The placement of plain water for drinking or for bird baths.
- (i) The use of scents provided the material is not accessible for consumption by deer or elk.
- (j) Food or bait material placed or used for fish, reptiles, amphibians or arthropods provided the material is not accessible to bear, deer or elk.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

(4) INCLUSION OF ADDITIONAL COUNTIES. (a). The department may include a county under this section if the county meets the criteria established in s. NR 10.07(2)(a)1., 2. or 3.

(b) The prohibitions and exemptions in this section shall become effective upon issuance of an order and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators, hunting license outlets in the area affected, and the department's internet web site at www.dnr.state.wi.us.

Section 11. Finding. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD, bovine tuberculosis and other forms of transmissible diseases pose a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses. These restrictions on deer baiting and feeding need to be implemented through the emergency rule procedure to help control and prevent the spread of CWD, bovine tuberculosis and other forms of transmissible diseases in Wisconsin's deer herd.

Section 12. Effective date. The rules shall take effect upon publication in the official state newspaper.

Section 13. Board adoption. The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 8, 2003.

Dated at Madison, Wisconsin

8 SEPT 2003

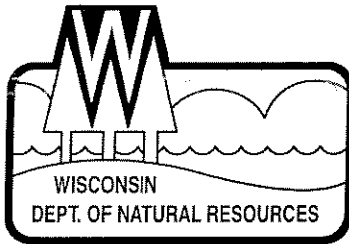
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Scott Hassett

Scott Hassett, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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January 5, 2004

Honorable Joseph Leibham, Chair
Joint Committee for Review of Administrative Rules
Room 409 South
State Capitol

Honorable Glenn Grothman, Chair
Joint Committee for Review of Administrative Rules
Room 15 North
State Capitol

Re: Request for the extension of WM-37-03(E), an emergency rule that prohibits deer baiting and feeding in counties determined to be at the highest risk for CWD, TB and infectious disease transmittance and establishment.

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Order No. WM-37-03(E). This request is for two consecutive 60-day extensions for a total of 120 days. This order is scheduled to expire on February 7, 2004 unless this request is granted.

The department is requesting these consecutive extensions to protect those areas of the state at highest risk for CWD (see attached memo). The current emergency rule serves as a stop-gap measure to protect the wild deer herd and domestic livestock from additional exposure to infected animals, and to assist the department with their disease control efforts until such a time that legislation and permanent rules can be implemented. However, in light of the delay in proceeding with follow-up permanent rules (currently on hold pending the outcome of proposed legislation, AB -519) we request that both 60-day emergency rule extensions be granted at this time rather than require a second 60-day extension request in April. This will help to make the transition from emergency rule to permanent rule less complicated for citizens of the state.

Your consideration of this request is appreciated. If you have any questions, please contact Tim Andryk of the Bureau of Legal Services at 264-9228.

Sincerely,

Scott Hassett
Secretary

Cc. Presiding Officers
Tom Hauge – WM/4
Kurt Thiede – WM/4
Tim Andryk – LS/5
Carol Turner – LS/5
Paul Heinen – AD/5



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

January 29, 2004

Scott Hassett, Secretary
Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Dear Secretary Hassett:

The Joint Committee for the Review of Administrative Rules met in Executive Session on January 28, 2004 and adopted the following motions:

NR 27.03(3)(c)3 Relating to Endangered and Threatened Species. Butler's Garter Snake
Moved by Representative Grothman and seconded by Senator Robson, that, the Joint Committee for Review of Administrative Rules requests the Department of Natural Resources to present to the committee by April 15, 2004 a sufficient Butler's Garter Snake site management plan.

Motion Carried 10 Ayes, 0 Noes

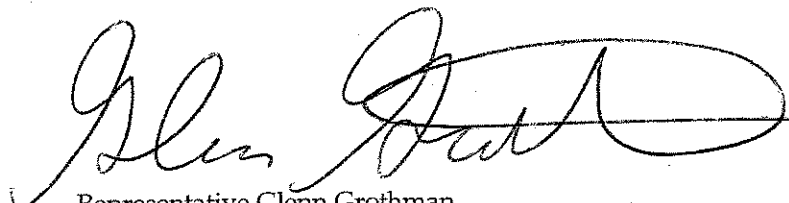
Emergency Rule NR 10 Relating to baiting and feeding
Moved by Representative Grothman and seconded by Representative Gunderson, that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends NR 10 at the request of Department of Natural Resources by 60 days.

Motion Carried 10 Ayes, 0 Noes

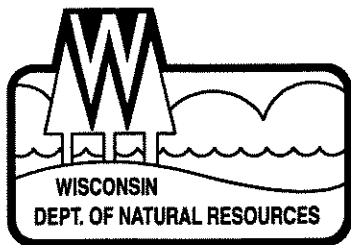
Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


Senator Joseph Leibham
Senate Co-Chair


Representative Glenn Grothman
Assembly Co-Chair

JKL:GSG:mjd



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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February 26, 2004

Honorable Joseph Leibham, Chair
Joint Committee for Review of Administrative Rules
Room 409 South
State Capitol

Honorable Glenn Grothman, Chair
Joint Committee for Review of Administrative Rules
Room 15 North
State Capitol

Re: Request for the extension of WM-37-03(E), an emergency rule that prohibits deer baiting and feeding in counties determined to be at the highest risk for CWD, TB and infectious disease transmittance and establishment.

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Order No. WM-37-03(E). The Department requests that these emergency orders be extended 60-days, through June 6, 2004. This order is scheduled to expire on April 7, 2004 unless this request is granted.

The department is requesting these consecutive extensions to protect those areas of the state at highest risk for CWD (see attached memo). The current emergency rule serves as a stop-gap measure to protect the wild deer herd and domestic livestock from additional exposure to infected animals, and to assist the department with their disease control efforts until such a time that legislation and permanent rules can be implemented.

Your consideration of this request is appreciated. If you have any questions, please contact Tim Andryk of Bureau of Legal Services at 264-9228.

Sincerely,

Scott Hassett
Secretary

Cc. Presiding Officers
Tom Hauge – WM/4
Kurt Thiede – WM/4
Tim Andryk – LS/5
Carol Turner – LS/5
Paul Heinen – AD/5

CORRESPONDENCE/MEMORANDUM

DATE: February 26, 2004

TO: Senator Joseph Leibham, co-chair, Joint Committee for Review of Administrative Rules
Representative Glenn Grothman, co-chair, Joint Committee for Review of Administrative Rules

FROM: *Tom* Tom Hauge, director, Department of Natural Resources, Bureau of Wildlife Management

SUBJECT: Request for a 60-day extension of WM-37-03(E), an emergency rule that prohibits deer baiting and feeding in counties determined to be at the highest risk for CWD, TB and infectious disease transmittance and establishment.

On September 4, 2003 the Natural Resources Board adopted emergency rule order WM-37-03(E) which prohibits deer baiting and feeding practices in any county where the entire county or any portion of the county is included in a CWD Management Zone (CWD eradication zone, CWD intensive harvest zone or herd reduction zone) or any county within a 10-mile radius of a captive or free-roaming, domestic or wild animal that has been confirmed to have CWD or TB since January 1, 1998. The emergency rule was implemented on September 11, 2003 and will lapse on April 7, 2004, unless a 60-day extension is granted by your committee. Since legislation has not passed and permanent rules are not yet in place, an extension of this emergency rule is important to protect those areas of the state at highest risk for CWD.

The department realizes the risk with allowing these practices to continue, especially in those areas where CWD and TB have been identified. The current emergency rule serves as a stop-gap measure to protect the wild deer herd and domestic livestock from additional exposure to infected animals, and to assist the department with their disease control efforts. Therefore, the department requests the Joint Committee for the Review of Administrative Rules (JCRAR) grant an extension of emergency rule (WM-37-03(E)) to continue prohibiting the practices of deer baiting and feeding in those areas of the state that the department has identified as being at the greatest risk for CWD or TB.

Although we realize that the risk of disease transmission and establishment exists statewide, we feel the extension of this emergency rule will protect those areas of the state where we know that disease exists and the surrounding areas.

Current Emergency Rule:

Under the current emergency rule, the department imposes the same baiting and feeding regulations adopted by the NRB in April 2003 on a smaller geographic area (Attachment 1). The ban is in effect in any county where the entire county or any portion of the county is included in a CWD Management Zone (CWD eradication zone, CWD intensive harvest zone or herd reduction zone) or any county within a 10-mile radius of a captive or free-roaming, domestic or wild animal that has been confirmed to have CWD or TB since January 1, 1998 (Figure 1).

